

McCARTER & ENGLISH, LLP

100 Mulberry Street
Four Gateway Center
Newark, New Jersey 07102
Attorneys for Defendant
Transamerica Life Insurance Company

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

MARCO AGOSTINI,

Plaintiff,

v.

TRANSAMERICA LIFE INSURANCE
COMPANY, AEGON GROUP,
DREYFUS CORP., MELLON
ADVISORS, STEVE MILLNER,
CHRISTOPHER CIERSKI, JOE DOE
NUMBER 1 THROUGH 10, UNKNOWN
DEFENDANTS, and BANK OF NEW
YORK MELLON, a Holding Company,

Defendants.

Civil Action No. 09-4365

AMENDED NOTICE OF REMOVAL

TO: Clerk, U.S. District Court for the District of New Jersey
Mitchell H. Cohen Building & U.S. Courthouse
4th & Cooper Streets Room 1050
Camden, NJ 08101

Clerk, Superior Court of New Jersey
Camden County
101 South Fifth Street
Camden, NJ 08103

Marco Agostini, Esq.
16 Silver Hill Lane
Voorhees, New Jersey
Plaintiff

The Bank of New York Mellon Corp.
Legal Department
One Wall Street, 11th Floor
New York, NY 10286

Steven Millner
43 Magro Drive
North Babylon, New York 11703
Defendant

Robert Giacovas
Drefus Service Corporation
200 Park Avenue
New York, NY 10166
Defendant

Christopher Cierski
92 Gun Club Rd.
Northport, NY 11768-3366
Defendant

Defendant Transamerica Life Insurance Company ("Transamerica") by its attorneys,
McCarter & English, LLP, Four Gateway Center, 100 Mulberry Street, Newark, New Jersey,
respectfully states that:

1. On August 25, 2009, Transamerica submitted a Notice of Removal.

Transamerica's Notice of Removal was timely as required by 28 U.S.C. § 1446(b). Removal
was preliminarily granted by the Court on or about August 26, 2009.

2. On September 15, 2009, the Court entered an Order ordering Transamerica to
amend its Notice of Removal to properly plead the citizenship of the plaintiff and individual
named defendants in this matter.

3. Pursuant to the Court's September 15, 2009 Order, Transamerica hereby amends
its August 25, 2009 Notice of Removal and states the following:

4. Upon information and belief, on or about July 2, 2009, an action was commenced against defendants in the Superior Court of New Jersey, Law Division, Camden County. A copy of the Summons and Complaint, which constitute all pleadings and process received by Transamerica in this matter, is attached as Exhibit A.

5. A copy of the Complaint setting forth the claim for relief upon which the action is based was received by Transamerica on July 27, 2009. Thus, this Notice of Removal time as required by 28 U.S.C. § 1446(b). A copy of the transmittal letter is attached as Exhibit B.

6. Upon information and belief, no other defendants have been served in this matter.

7. Plaintiff is a citizen of the State of New Jersey, residing at 16 Silver Hill Lane, Voorhees, NJ 08043. See Ex. A.

8. Defendant Transamerica is a corporation organized under the laws of Iowa, with its principal place of business in Iowa.

9. Defendant AEGON Group does not exist as a legal entity. AEGON N.V. is a corporation organized under the laws of the Netherlands, with its principal place of business in the Netherlands. On or about September 10, 2009, Defendant AEGON was been voluntarily dismissed from this Action by plaintiff.

10. Defendant Dreyfus Corp. is a corporation organized under the laws of New York, with its principal place of business in New York.

11. Defendant Mellon Advisors is a division of The Bank of New York Mellon Corporation, which is a corporation organized under the laws of Delaware, with its principal place of business in New York.

12. Defendant Steven Millner is a citizen of the State of New York and resides in the State of New York.

13. Defendant Christopher Cierski is a citizen of the State of New York and resides in the State of New York.

14. Complete diversity of citizenship exists between all parties to this lawsuit as required by 28 U.S.C. § 1332(a)(1).

15. In addition, the amount-in-controversy exceeds \$75,000 as required by 28 U.S.C. § 1332(a). In the Complaint, plaintiff seeks a complete refund of investment products purchased in the amount of \$159,316.15, plus other relief. See Ex. A, Count I, Wherefore Clause.

16. This Complaint is one over which this Court has original jurisdiction under the provisions of 28 U.S.C. § 1332. By virtue of the provisions of 28 U.S.C. § 1441(a), this entire matter is one that may be removed to this Court.

17. A copy of this Notice of Removal was served on plaintiff and filed with the New Jersey Superior Court Clerk, Law Division, Camden County, as required by 28 U.S.C. § 1446(d). A copy of this Amended Notice of Removal will also be served on plaintiff and filed with the New Jersey Superior Court Clerk, Law Division, Camden County.

WHEREFORE, Transamerica respectfully request that this case be removed from the Superior Court of New Jersey to this Court and proceed in this Court as an action properly removed thereto.

McCARTER & ENGLISH, LLP
Attorneys for Defendant
Transamerica Life Insurance
Company

By: 

Penelope M. Taylor
A Member of the Firm

Dated: September 16, 2009